

Article 3: Supplemental Development Regulations

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

Division 1: Environmentally Sensitive Lands Regulations

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§143.0101 Purpose of Environmentally Sensitive Lands Regulations

The purpose of these regulations is to protect, preserve and, where damaged restore, the *environmentally sensitive lands* of San Diego and the viability of the species supported by those lands. These regulations are intended to assure that *development*, including, but not limited to *coastal development* in the Coastal Overlay Zone, occurs in a manner that protects the overall quality of the resources and the natural and topographic character of the area, encourages a sensitive form of *development*, retains biodiversity and interconnected habitats, maximizes physical and visual public access to and along the shoreline, and reduces hazards due to *flooding* in specific areas while minimizing the need for construction of *flood* control facilities. These regulations are intended to protect the public health, safety, and welfare while employing regulations that are consistent with sound resource conservation principles and the rights of private property owners.

It is further intended for the Development Regulations for Environmentally Sensitive Lands and accompanying Biology, Steep Hillside, and Coastal Bluffs and Beaches Guidelines to serve as standards for the determination of impacts and mitigation under the California Environmental Quality Act and the California Coastal Act. These standards will also serve to implement the Multiple Species Conservation Program by placing priority on the preservation of biological resources within the Multiple Habitat Planning Area, as identified in the City of San Diego Subarea Plan. The habitat based level of protection which will result through implementation of the Multiple habitat Planning Area is intended to meet the mitigation obligations of the Covered Species addressed. In certain circumstances, this level of protection may satisfy mitigation obligations for other species not covered under the Multiple Species Conservation Program but determined to be sensitive pursuant to the CEQA review process. This determination will be addressed in the environmental documentation. *(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)*

§143.0110 When Environmentally Sensitive Lands Regulations Apply

This division applies to all proposed *development* when *environmentally sensitive lands* are present on the *premises*.

- (a) Where any portion of the *premises* contains any of the following *environmentally sensitive lands*, this division shall apply to the entire *premises*, unless otherwise provided in this division:
- (1) *Sensitive biological resources*;
 - (2) *Steep hillsides*;
 - (3) *Coastal beaches* (including V zones);
 - (4) *Sensitive coastal bluffs*; and
 - (5) *Special Flood Hazard Areas* (except V zones).
- (b) Table 143-01A identifies the appropriate development regulations, the required decision process, and the permitted uses applicable to various types of *development* proposals that propose to encroach into *environmentally sensitive lands* or that do not qualify for an exemption pursuant to Section 143.0110(c).
- (1) A Neighborhood Development Permit or Site Development Permit is required for all types of *development* proposals listed, in accordance with the indicated decision process. If *coastal development* is proposed in the Coastal Overlay Zone, a Coastal Development Permit is required in accordance with Section 126.0702.
 - (2) All types of *development* proposals are subject to Section 143.0140.
 - (3) Any *development* proposal that proposes to encroach into more than one type of *environmentally sensitive lands* is subject to all of the development regulations sections for each type of *environmentally sensitive lands* present. The applicable decision process is the higher process number indicated.
 - (4) Any *development* proposal on a site containing *environmentally sensitive lands* may be exempt from the permit requirements of this division if no *encroachment* into the *environmentally sensitive lands* is proposed and the *development* complies with Section 143.0110(c). Within the Coastal Overlay Zone, a Coastal Development Permit is required for all *coastal development* and the regulations of this division shall apply.

- (5) Limited exceptions to the applicable development regulations for specific types of *development* are listed in Section 143.0111.

Table 143-01A
Applicability of Environmentally Sensitive Lands Regulations

<i>Environmentally Sensitive Lands Potentially Impacted by Project</i>						
Type of Development Proposal		Wetlands, listed non-covered species habitat ⁽¹⁾	Other Sensitive Biological Resources other than Wetlands and listed noncovered species habitat	Steep Hillides	Sensitive Coastal Bluffs and Coastal Beaches	Floodplains
1. Single dwelling units on individual lots equal to or less than 15,000 square feet ⁽²⁾	R	143.0141(a),(b)	143.0141	143.0142 except (a) ⁽⁵⁾	143.0143, 143.0144	143.0145 143.0146
	P	NDP/ Process Two	NDP/ Process Two	NDP/ Process Two	SDP/ Process Three	NDP/ Process Two
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
2. Single dwelling units on lots or multiple lots totaling more than 15,000 square feet	R	143.0141(a),(b)	143.0141	143.0142	143.0143, 143.0144	143.0145
	P	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
3. Multiple dwelling unit and non-residential development and public works projects	R	143.0141(a),(b)	143.0141	143.0142	143.0143, 143.0144	143.0145 143.0146
	P	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
4. Any subdivision of a premises	R	143.0141(a),(b)	143.0141	143.0142 ⁽³⁾	143.0143, 143.0144	143.0145 143.0146
	P	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
5. Project-specific land use plans	R	143.0141(a),(b), 143.0115	143.0141, 143.0115	143.0142, 143.0115	143.0143, 143.0144, 143.0115	143.0115, 143.0145 143.0146
	P	SDP/Process Four/Five	SDP/ Process Four/Five	SDP/Process Four/Five	SDP/ Process Four/Five	SDP/Process Four/Five
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
6. Any development that proposes deviations from any portion of the Environmentally Sensitive Lands Regulations	R	143.0141(a),(b), 143.0150	143.0141, 143.0150	143.0142, 143.0150 ⁽⁴⁾	143.0143, 143.0144, 143.0150	143.0145, 143.0146 143.0150
	P	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four
	U	143.0130(d),(e)-	--	--	143.0130(a), (b)	143.0130(c)

Environmentally Sensitive Lands Potentially Impacted by Project						
Type of Development Proposal		Wetlands, listed non-covered species habitat ⁽¹⁾	Other Sensitive Biological Resources other than Wetlands and listed noncovered species habitat	Steep Hillides	Sensitive Coastal Bluffs and Coastal Beaches	Floodplains
7. Development other than single dwelling units on individual lots, that proposes alternative compliance for development area in steep hillsides.	R	--	--	143.0142 except (a), 143.0151	--	--
	P	--	--	SDP/ Process Three	--	--
	U	--	--	--	--	--

Legend to Table 143-01A

R	Development regulation sections (in addition to Section 143.0140) applicable to the <i>environmentally sensitive lands</i> present.
P	Type of Permit/Decision process required. Neighborhood Development Permit (NDP) Site Development Permit (SDP)
U	Regulations that identify permitted uses when they are different than the applicable zone due to the <i>environmentally sensitive lands</i> present.

Footnotes to Table 143-01A

- 1 This includes listed species and their habitat not covered by the Take Authorizations issued to the City by the State and Federal governments under the Multiple Species Conservation Program.
- 2 This includes the *development* of one or more *lots* as long as the total area of the *lots* does not exceed 15,000 feet and the *lots* were not joined in ownership to any contiguous *lot* or parcel on or before the adoption date of this division so that the total area of contiguous ownership exceeded 15,000 square feet.
- 3 Outside the Coastal Overlay Zone, *subdivision* of a *premises* less than 15,000 square feet (for *single dwelling unit development*) is not subject to Section 143.0142(a).
- 4 *Development* other than a *single dwelling unit* on an individual *lot* may use alternative compliance for development area in *steep hillsides* that does not comply with Section 143.0142(a).
- 5 Within the Coastal Overlay Zone, *single dwelling units* on individual *lots* equal to or less than 15,000 square feet are subject to Section 143.0142(a).

(c) A Neighborhood Development Permit or Site Development Permit is not required for the following *development* activity:

- (1) Outside the Coastal Overlay Zone, *development* on a *premises* containing *environmentally sensitive lands* when the *development* will not encroach into the *environmentally sensitive lands* during or after construction, if the property owner signs an acknowledgment that further *development* on the property is not permitted unless the

development is reviewed and approved pursuant to this division and if the *development* proposal provides for the following:

- (A) A 100-foot *setback* from *sensitive biological resources*;
 - (B) A 40-foot *setback* from the top of slope of *steep hillsides*;
 - (C) A 100-foot *setback* from *floodplains*.
- (2) *Development* that is limited to interior modifications or repairs, or any exterior repairs, alterations or maintenance that does not increase the footprint of an existing building or *accessory structure* and will not encroach into the *environmentally sensitive lands* during or after construction. For a *premises* containing a *sensitive coastal bluff*, any addition shall observe a minimum 40-foot *setback* from the *coastal bluff edge*.
- (3) Outside the Coastal Overlay Zone, minor improvements to existing *structures* on *steep hillsides*, subject to all of the following applicable requirements:
- (A) *Clearing* and *grubbing* shall not exceed 100 square feet per acre.
 - (B) *Excavation* for foundations or pilings shall total less than 10 cubic yards.
 - (C) The proposed improvements do not *encroach* into *sensitive biological resources*.
 - (D) One story *structures* supported by pilings or pillars may be located on *steep hillsides* provided that the total of all *encroachments* into the *steep hillsides* area does not exceed 5 percent of the total *floor* area of the building or *structure*.
 - (E) Residential decks up to 500 square feet may be located on *steep hillsides* provided that the deck is attached to the building or *structure* and does not exceed 12 feet in elevation above the *existing grade* at any point.
- (4) *Development* activity that is limited to permissible *grading* for the preparation of a site for cultivation of crops and where *grading* for

agriculture purposes has occurred in compliance with all legal requirements within the previous 3 years.

- (5) Outside the Coastal Overlay Zone, city public works projects for which plans, specifications, or funding have been approved by the City Council or the City Manager before July 1, 1991.
- (6) Outside the Coastal Overlay Zone, restoration projects where the sole purpose is enhancement or restoration of native habitats.
- (7) Zone Two brush management activity if the brush management complies with the landscape regulations in Chapter 14, Article 2, Division 4 (Landscape Regulations) and the Biology Guidelines.

(Amended 4-22-2002 by O-19051 N.S.; effective 10-8-2002.)

§143.0111 Limited Exceptions from Environmentally Sensitive Lands Regulations

The following *development* activities require a Neighborhood Development Permit or Site Development Permit in accordance with Table 143-01A, but the applicable development regulations are modified as indicated:

- (a) Outside the *MHPA* and the Coastal Overlay Zone, mining and extractive industries may exceed the maximum allowable *steep hillside* development area described in Section 143.0142(a). Both inside and outside the *MHPA*, a Conditional Use Permit is required in accordance with Section 141.1001 and restoration of the on-site landform to a natural-appearing condition is required.
- (b) Brush management activity is exempt from all *steep hillside* development regulations in Section 143.0142 if the brush management is the minimum necessary to comply with City fire codes and no *grading* occurs in the brush management area. Within the Coastal Overlay Zone, all brush management within 30 feet of a primary *structure* shall be subject to the Steep Hillside Regulations for development within the Coastal Overlay Zone pursuant to Section 143.0142(a)(4).
- (c) Erosion control measures are exempt from the *steep hillside* development area regulations in Section 143.0142(a) if they are determined to be the only feasible means of erosion control necessary to protect the existing primary *structures* or *public improvements*.
- (d) Outside the Coastal Overlay Zone, City linear utility projects are exempt from the development area regulations of the OR-1-2 zone in Section 131.0250(b)

- (a) *Sensitive Coastal Bluff Areas*. Permitted uses and activities in *sensitive coastal bluff* areas, as indicated on Map Drawing No. C-713, are limited to the following:
- (1) *Single Dwelling Units* together with *accessory structures* and landscape features incidental to residential uses;
 - (2) Bicycle storage facilities;
 - (3) Public comfort stations;
 - (4) Public pergolas and gazebos;
 - (5) Public parking lots;
 - (6) Public seating benches;
 - (7) *Open fences* and walls for public safety, provided they do not interfere with existing or designated public or visual access ways;
 - (8) Safety and public information *signs*;
 - (9) Public stairways, ramps, and other physical beach access facilities, as identified within an applicable land use plan;
 - (10) Essential public walkways leading to permitted beach access facilities;
 - (11) Essential public drainage facilities; and
 - (12) Bluff repair and erosion control measures, when necessary to protect existing primary *structures* and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.
- (b) *Coastal Beach Areas*. Permitted uses and activities in *coastal beach* areas, as identified on Map Drawing No. C-713, are limited to the following:
- (1) Lifeguard towers and stations and associated life and security facilities;
 - (2) Public comfort stations;
 - (3) Public piers;

- (4) Safety and public information *signs*;
 - (5) Shoreline protective works when necessary to prevent bluff and beach erosion and to protect coastal dependent uses, public beach roadways, or existing primary *structures* in danger from wave action and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply;
 - (6) Public stairways, ramps, and other physical access *structures*, as proposed within an applicable land use plan; and
 - (7) Public recreational equipment.
- (c) *Floodways*. Uses permitted within the *floodway* portion of a *Special Flood Hazard Area* are those allowed by the OF zone, as indicated in Table 131-02B.
- (d) *Wetlands* in the Coastal Overlay Zone. Uses permitted in *wetlands* shall be limited to the following:
 - (1) Aquaculture, *wetlands*-related scientific research and *wetlands*-related educational uses;
 - (2) Wetland restoration projects where the primary purpose is restoration of the habitat;
 - (3) Incidental public service projects, where it has been demonstrated that there is no feasible less environmentally damaging location or alternative, and where mitigation measures have been provided to minimize adverse environmental effects.
- (e) *Wetland Buffer Areas* in the Coastal Overlay Zone. Permitted uses in *wetland buffer* areas shall be limited to the following:
 - (1) Public Access paths;
 - (2) Fences;
 - (3) Restoration and enhancement activities; and
 - (4) Other improvements necessary to protect *wetlands*.

(Amended 4-22-2002 by O-19051 N.S.; effective 10-8-2002.)

including peak flow storage capacity, and *wetlands* hydrology is maintained;

- (D) The *development* neither significantly increases nor contributes to downstream bank erosion and sedimentation nor causes an increase in *flood* flow velocities or volume; and
- (E) There will be no significant adverse water quality impacts to downstream wetlands, lagoons or other *sensitive biological resources*, and the *development* is in compliance with the requirements and regulations of the National Pollution Discharge Elimination System, as implemented by the City of San Diego.
- (F) The design of the *development* incorporates the findings and recommendations of both a site specific and coastal watershed hydrologic study.

- (2) All *development* that involves *fill*, *channelization*, or other alteration of a *Special Flood Hazard Area* is subject to the requirements for *channelization* in Section 143.0145(a)(5) and with FEMA regulations.
(Amended 4-22-2002 by O-19051 N.S.; effective 10-8-2002.)

§143.0146 Supplemental Regulations for Special Flood Hazard Areas

All proposed *development* within a *Special Flood Hazard Area* is subject to the following requirements and all other applicable requirements and regulations of FEMA.

- (a) *Development* and Permit Review
 - (1) Where *base flood elevation* data has not been provided by the *Flood Insurance Study*, the City Engineer shall obtain, review, and utilize *base flood elevation* and *floodway* data available from federal or state sources, or require submittal of such data from the *applicant*. The City Engineer shall make interpretations, where needed, as to the location of the boundaries of the areas of the *Special Flood Hazard Area*, based on the best available engineering or scientific information.

- (2) Proposed *development* in a *Special Flood Hazard Area* shall not adversely affect the *flood* carrying capacity of areas where *base flood elevations* have been determined but the *floodway* has not been designated. “Adversely affect” as used in this section means that the cumulative effect of the proposed *development*, when combined with all other existing and anticipated *development*, will not increase the water surface elevation of the *base flood* more than one foot at any point.
- (3) In all cases where a watercourse is to be altered the City Engineer shall do the following:
 - (A) Notify affected, adjacent communities and the California Department of Water Resources of any proposed alteration or relocation of a watercourse and submit evidence of the notice to the Federal Insurance Administration;
 - (B) Require that the *flood* carrying capacity of the altered or relocated portion of the watercourse is maintained; and
 - (C) Secure and maintain for public inspection and availability the *certifications*, appeals, and variances required by these regulations.
- (4) The *applicant* shall grant a flowage easement to the City for that portion of the property within a *floodway*.
- (5) Appropriate agreements shall be secured between the *applicant* and the City to assure participation by the *applicant* or any successor in interest in financing of future *flood* control works.
- (6) *Development* in a *Special Flood Hazard Area* shall not increase or expand a *FIRM* Zone A.
- (7) In all *floodways*, any *encroachment*, including *fill*, new construction, significant modifications, and other *development* is prohibited unless *certification* by a registered professional engineer is provided demonstrating that *encroachments* will not result in any increase in *flood* levels during the occurrence of the *base flood* discharge.

(b) Standards for *Subdivisions*

- (1) All preliminary *subdivision* proposals shall identify the *Special Flood Hazard Area* and the elevation of the *base flood*.
 - (2) All final *subdivision maps* shall provide the elevation of proposed *structures* and pads. If the site is *filled* above the *base flood elevation*, the *lowest floor*, including *basement*, shall be certified to be 2 feet above the *base flood elevation* by a registered professional engineer or surveyor, and the *certification* shall be provided to the City Engineer.
 - (3) All *subdivisions* shall be designed to minimize *flood* damage.
 - (4) All *subdivisions* shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize *flood* damage.
 - (5) All *subdivisions* shall provide adequate drainage to reduce exposure to *flood* hazards.
 - (6) The final map shall bear the notation "Subject to Inundation" for those portions of the property with a *grade* lower than 2 feet above the *base flood elevation*.
- (c) Standards of Construction

In all *Special Flood Hazard Areas*, the following standards apply for all *development*.

- (1) All permitted, permanent *structures* and other significant improvements shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (2) All permitted permanent *structures* and other significant improvements shall be constructed with materials and utility equipment resistant to *flood* damage.
- (3) Construction methods and practices that minimize *flood* damage shall be used.
- (4) All electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and located to prevent water from entering or

accumulating within the equipment components during conditions of *flooding*.

- (5) *Breakaway walls* shall be certified by a registered engineer or architect to meet all applicable FEMA requirements. The *certification* shall be provided to the City Engineer before final inspection approval.
- (6) New construction or *substantial improvement* of any *structure* shall have the *lowest floor*, including *basement*, elevated at least 2 feet above the *base flood elevation*. Upon completion of the *development*, the elevation of the *lowest floor*, including *basement*, shall be certified by a registered professional engineer or surveyor to be properly elevated. The *certification* shall be provided to the City Engineer before final inspection approval. The City Engineer reserves the right to require a preliminary *certification* before foundation inspection approval.
- (7) New construction or *substantial improvement* of any *structure* in *FIRM* Zone AH or AO shall have the *lowest floor*, including *basement*, elevated above the highest adjacent *grade* at least 2 feet higher than the depth number specified on the *FIRM*, or at least 4 feet if no depth number is specified. Upon the completion of the *structure* the elevation of the *lowest floor*, including *basement*, shall be certified by a registered professional engineer or surveyor, to be properly elevated. The *certification* shall be provided to the City Engineer before final inspection approval. The City Engineer may require a preliminary *certification* before foundation inspection approval.
- (8) Permitted nonresidential construction shall either be elevated as required by Section 143.0146(c)(6) or (7) or, together with attendant utility and sanitary facilities, meet the flood proofing requirements of FEMA. *Certification* by a registered professional engineer or architect that such requirements are met shall be provided to the City Engineer before final inspection approval. The City Engineer may require a preliminary *certification* before foundation inspection approval.

- (9) Fully enclosed areas below the *lowest floor* that are subject to *flooding* shall be certified by a registered professional engineer or architect that they comply with the flood proofing requirements of FEMA. The *certification* shall be provided to the City Engineer before final inspection approval.

(d) Standards for *Manufactured Homes*

All new and replacement *manufactured homes* and additions to *manufactured homes* are subject to the following regulations.

- (1) The *lowest floor* shall be elevated at least 2 feet above the *base flood elevation*.
- (2) *Manufactured homes* shall be securely anchored to a permanent foundation system to resist flotation, collapse, or lateral movement.
- (3) A registered engineer or architect must certify that the conditions of this subsection have been met. The *certification* shall be provided to the City Engineer before final inspection approval.

(e) Standards for Utilities

Certification shall be provided to the City Engineer before final inspection approval that the following requirements have been met.

- (1) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of *flood* waters into the system and discharge from systems into *flood* waters.
 - (2) On-site waste disposal systems shall be located and designed to avoid impairment to them or contamination from them during *flooding*.
- (6) The City Engineer shall notify the San Diego District Offices of the Coastal Commission of any pending changes to the adopted Flood Insurance Rate Maps affecting property within the Coastal Overlay Zone when the City Engineer receives notification of such potential changes. The City Engineer shall notify the Commission staff when *costal development* within the City of San Diego's Coastal

Development Permit jurisdiction would require processing a change to the FIRM maps. The City Engineer shall assure the Commission's District Office has the most current effective Flood Insurance Rate Maps approved by FEMA by forwarding any revised maps affecting the Coastal Overlay Zone within thirty working days of City Engineer's receipt.

(Amended 4-22-2002 by O-19051 N.S.; effective 10-8-2002.)

§143.0150 Deviations from Environmentally Sensitive Lands Regulations

Plans submitted in accordance with this section shall, to the maximum extent feasible, comply with the regulations of this division. If a proposed *development* does not comply with all applicable development regulations of this division and a deviation is requested as indicated in Table 143-01A, the Planning Commission may approve, conditionally approve, or deny the proposed Site Development Permit in accordance with Process Four, subject to the following:

- (a) Deviations from the regulations of this division may be granted only if the decision maker makes the *findings* in Section 126.0504(c).
- (b) Deviations from the Supplemental Regulations for Special Flood Hazard Areas in Section 143.0146 may be granted only if the decision maker makes the *findings* in Section 126.0504(d).
- (c) Within the Coastal Overlay Zone, deviations from the Environmentally Sensitive Lands Regulations may be granted only if the decision maker makes the *findings* in Section 126.0708.

(Amended 4-22-2002 by O-19051 N.S.; effective 10-8-2002.)

§143.0151 Alternative Compliance for Steep Hillside Development Area Regulations

Proposed *developments* that do not comply with the development area regulations of Section 143.0142(a) and do not result in conflicts with other regulations may be considered as alternative compliance as indicated in Table 143-01A, pursuant to the regulations in this section. The Planning Commission may approve, conditionally approve, or deny the proposed Site Development Permit with alternative compliance in accordance with Process Four, subject to the following:

- (a) Alternative compliance shall not be used in conjunction with any development permit for a *single dwelling unit* on an individual *lot*;

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- (b) Conformance with all other Environmentally Sensitive Lands Regulations is required unless a deviation is approved with the Site Development Permit, in accordance with Section 143.0150;
- (c) Alternative compliance may be granted only if the decision maker makes the findings in Section 126.0504(e); and
- (d) Alternative compliance shall not be considered for lands that are designated as open space in the applicable *land use plan* or that are zoned OR-1-1 or OR-1-2.
- (e) Alternative compliance shall not be considered for lands that are within the Coastal Overlay Zone.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

§143.0152 Covenants of Easements Pursuant to Environmentally Sensitive Lands Regulations

As authorized by California Government Code Section 65871, the owner of any *premises* affected by issuance of a permit under this division as described in Section 143.0140(a), shall execute a covenant of easement unless the owner dedicates the remainder portion of the property in fee to the City. The covenant of easement shall be recorded against title to the affected *premises* and executed in favor of the City.

- (a) The owner shall draft the covenant of easement as follows:
 - (1) To contain a legal description of the *premises* affected by the permit with a description of the *development* area and the *environmentally sensitive lands* that will be preserved;
 - (2) To impart notice to all persons to the extent afforded by the recording laws of the state regarding the restrictions affecting use of the *environmentally sensitive lands* covered by the permit;
 - (3) To ensure that the burdens of the covenant shall be binding upon, and the benefits of the covenant shall inure to, all successors in interest to the affected *premises*; and
 - (4) To ensure enforceability of the covenant of easement by the City, or jointly and severally by the City, the U.S. Fish and Wildlife Service, and the California Department of Fish and Game in those instances when the covenant of easement affects *premises* containing *sensitive*

biological resources or other lands that have been accepted as mitigation.

- (b) A Process Four hearing shall be held to consider a formal, written request directed to the City by any person requesting the release of a covenant of easement recorded pursuant to this division. A release of any covenant of easement recorded pursuant to this division shall be recorded by the City only when it is determined by the decision maker that restriction of the property is no longer necessary to achieve the land use goals of the City. In any instance where the covenant of easement concerns *sensitive biological resources*, a determination by the decision maker to release the covenant may be made only with the written concurrence of the U.S. Fish and Wildlife Service and the California Department of Fish and Game .
- (c) In the Coastal Overlay Zone, the covenant of easement shall be required as a condition of approval at the *tentative map* stage of *coastal development* rather than at subsequent stages to the extent possible.
(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

§143.0155 Administrative Guidelines for Environmentally Sensitive Lands Regulations

The City Manager is authorized to promulgate and publish Steep Hillside Guidelines, Biology Guidelines, Coastal Bluffs and Beaches Guidelines, and other support documents to be located in the Land Development Manual, as necessary to implement this division. These administrative guidelines shall serve as baseline standards for processing Neighborhood Development Permits, Site Development Permits and Coastal Development Permits issued pursuant to this division. Any revisions to these guidelines will require review and approval of the Coastal Commission as an amendment to the City's certified *Local Coastal Program*.
(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

EDITORS NOTE: The Land Development Manual includes:

Coastal Bluffs and Beaches Guidelines
Biology Guidelines
Historical Resources Guidelines
Submittal Requirements for Deviations within the Coastal Overlay Zone

See RR-292248 for the Coastal Bluffs and Beaches Guidelines of the Land Development Code; RR-292249 for the Biology Guidelines of the Land Development Code; RR-292250 for the Historical Resources Guidelines of

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the Land Development Code; RR-292251 for the Submittal Requirements for Deviations within the Coastal Overlay Zone of the Land Development Code.

§143.0160 Violations and Remedies

The provisions of this division shall be enforced pursuant to Chapter 12, Article 1, Division 2, Enforcement Authorities for the Land Development Code
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)